

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSHUA LAWRENCE EAGLE,

Defendant.

CR 12-46-GF-BMM-01

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on March 30, 2016. (Doc. 69.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-152 (1986). The Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on March 28, 2016. (Doc. 65.) Eagle admitted to violating his conditions of supervised release by failing to report to his probation officer as directed and by failing to notify his probation officer of his new address. (*Id.*) Judge Johnston found the evidence sufficient to establish that Eagle had violated the conditions of his supervised release. (*Id.*)

Judge Johnston recommends that the Court revoke Eagle's supervised release. (Doc. 69.) Based on the parties' recommendation, Judge Johnston recommends that the Court sentence Eagle to three (3) months imprisonment with no supervised release to follow. (*Id.*)

Eagle's violation grade is Grade C, his criminal history category is I, and his underlying offense is a Class C felony. The statutory range is a maximum of 24 months. He could be ordered to remain on supervised release for 27 months, less any custody time imposed. The United States Sentencing Guidelines call for three to nine months in custody.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Eagle's current violation is serious in nature. A sentence of three (3) months imprisonment with no supervised release to follow is sufficient, but not greater than necessary.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 69) is ADOPTED IN FULL. **IT IS FURTHER**

ORDERED that Defendant Joshua Lawrence Eagle shall be sentenced to **three (3)** months imprisonment with no supervised release to follow.

DATED this 14th day of April, 2016.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Brian Morris
United States District Court Judge